



LaSalle Police Service
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MEMORANDUM

To: Mayor Marc BONDY and Members of LaSalle Town Council
From: Deputy Chief Kevin BEAUDOIN
CC: Chief John LEONTOWICZ
Date: February 8th, 2019
Re: Discharge of Firearms on / near Waterways

Sir:

This report has been prepared at the request of Members of LaSalle Town Council in order to provide information regarding the discharge of firearms within the municipality of the Town of LaSalle. Currently, the Town of LaSalle does have a By-Law regulating the Discharge of Firearms (# 5304) which is valid and has been in force since October 24th, 1995.

The information contained in this report reflects calls for service to the LaSalle Police Service relating to the discharge of firearms complaints from 2013 - 2018 inclusive. Below are the calls for service by year:

2013 - 10
2014 - 8
2015 - 5
2016 - 11
2017 - 6
2018 - 4

Many of these calls for service are in fact categorized as noise or hunting complaints ("nuisance" type) however a number of them involve complaints where errant pellets from shotguns have struck or landed on homes, structures, vehicles, vessels and unfortunately people.

The following are examples of some of the more serious complaints received by LaSalle Police Service:

In 2013, LaSalle Police officers responded to a call for service whereby 2 males were identified and charged after discharging their firearms from a vessel on the Detroit River during which time errant pellets struck a Front Road resident in the face. The female resident was gardening in her rear yard which abuts the Detroit River when she was struck.

In 2014, LaSalle Police officers responded to a male who was discharging his firearm (.22 calibre rifle) and nearly struck two other people walking near the waterfront. The male was subsequently located, identified and while cooperative and remorseful, was cautioned and had his Firearm seized and later destroyed.

Most recently, in September 2018, officers responded to a local marina where a citizen reported that while working at his moored vessel, he heard a firearm being discharged in the area followed by a "burst of pellets" striking some metal items near him in the marina. Upon investigation, the officer observed two "hunters" in a duck blind nearby (approximately 300 meters away) but was unable to identify or make contact with them from land.

It should be noted that residential development in the Town of LaSalle along or abutting the Detroit River has increased over the past number of years. Further, the waterway is regularly enjoyed by many residents as well as transient visitors who partake in recreational activities such as boating, rowing, kayaking, canoeing, stand up paddle boarding (SUP), etc.

The LaSalle Rowing Club and its members are regular users of our waterway that again promotes healthy, vibrant, active living which our Town is predicated on.

During our research for this report, officials from the Ministry of Natural Resources and Forestry who enforce the Fish & Wildlife Conservation Act (provincial legislation) as well as the Migratory Bird Conventions Act (federal legislation) were contacted. It was again confirmed that there is no provincial or federal legislation that currently restricts / controls the discharging of Firearms on or near the water in our geographical area. It should however be noted that the Towns of Tecumseh and Lakeshore do have a regulation prohibiting possession of a firearm unless it is unloaded and encased which is under the *Fish and Wildlife Conservation Act, 1997*. Specifically, the area listed is item 2 of Schedule 3 of [Part 8 - Areas Where Possession, Discharge and Use of Firearm Prohibitions Apply of Ontario Regulation 663/98 Area Descriptions](#) made under the FWCA:

PART 8

AREAS WHERE POSSESSION, DISCHARGE AND USE OF FIREARM PROHIBITIONS APPLY

8. (1) A reference in this Part to a geographic area is a reference to a geographic area within the meaning of Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002*. O. Reg. 53/10, s. 1.

...

(4) The areas in Schedule 3 are prescribed as areas for the purpose of section 64 of Ontario Regulation 665/98 (Hunting) made under the Act, prohibiting the possession of a firearm, unless the firearm is unloaded and encased, and the use of a firearm for the purpose of hunting. O. Reg. 53/10, s. 1.

SCHEDULE 3

1. The land known immediately before December 1, 1987 as Cyprus Lake Provincial Park or Fathom Five Provincial Park.

2. *All that portion of the waters and the bed of Lake St. Clair lying in front of the lower-tier municipalities of Lakeshore and Tecumseh, in the upper-tier municipality of Essex and the Province of Ontario described as follows:*

Starting at a point in the water's edge of Lake St. Clair at the intersection of the line between lots 149 and 150, Concession 1 as shown on a plan of the geographic township of Sandwich; thence northerly along the production of that lot line to the intersection with a line drawn parallel to and distant 200 meters perpendicularly from the water's edge of Lake St. Clair; thence easterly along that parallel line to its intersection with a line drawn north astronomic from the intersection of the westerly water's edge of Duck Creek with the water's edge of Lake St. Clair; thence south astronomic to the said intersection of the water's edge of Duck Creek with the water's edge of Lake St. Clair; thence westerly along the water's edge to the starting point.

3. All that portion of the waters and the bed of the Ottawa River lying in front of the single-tier municipality of Pembroke, in the upper-tier municipality of Renfrew and the province of Ontario, more particularly described as follows:

Commencing at a point in the water's edge of the Ottawa River at the intersection of the westerly boundary of the City of Pembroke; thence northeasterly along the production of that boundary to the intersection with a line drawn parallel to and distant 400 metres perpendicularly from the water's edge of the Ottawa River; thence southwesterly along that parallel line to its intersection with the production northwesterly of the easterly boundary of the City of Pembroke; thence southwesterly along that boundary to the intersection with the water's edge of the Ottawa River; thence northwesterly along the water's edge to the point of commencement.

O. Reg. 53/10, s. 1.

The offence for which a person would be charged is, as mentioned in (4) is section 64 of O. Reg. 665/98 Hunting:

64. A person shall not, for the purpose of hunting, while in the areas described in Schedule 3 to Part 8 of Ontario Regulation 663/98 (Area Descriptions) made under the Act,

(a) possess a firearm, unless the firearm is unloaded and encased; or

(b) use a firearm. O. Reg. 665/98, s. 64; O. Reg. 54/10, s. 18.

In summary, as a result of increasing residential development, population and changing demographics adjacent to the navigable waters in LaSalle as well as in the spirit of risk mitigation, the LaSalle Police Service recommend the following:

That Town of LaSalle Council consider following the same application process under the Fish & Wildlife Conservation Act which the Towns of Tecumseh and Lakeshore have done and are in place.

Further, this consultation process with the Ministry of Natural Resources & Forestry and any new restrictions related to the Discharging of Firearms will achieve the following:

- *be lawful;*
- *enforceable by all Policing agencies responsible for waterways safety and enforcement;*
- *address the safety issues raised by area residents.*

While this proposed enactment under the FWCA would be separate from the current TOL - Discharge of Firearms By-Law #5304, it would certainly achieve a safe distance restriction to areas already identified (waterways) where firearms may currently be legally discharged within the Town of LaSalle.

In closing, should you have any questions, concerns or require further information, please contact me at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'K. Beaudoin', written over a horizontal line.

Kevin J. BEAUDOIN
Deputy Chief of Police